



Attorney Docket: 1087.3C(37US4)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: ROLFE C. ANDERSON et al.

Examiner: W. Belsher

Serial No: 09/751,658

Art Unit: 1744

Filed: December 31, 2000

For: INTEGRATED NUCLEIC ACID DIAGNOSTIC DEVICE

JAN 12 2004

TC 1700

COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE

RESPONSE

In response to the Office Action dated August 28, 2003, Applicants respond as follows:

Under 37 CFR §1.121(c), since this Response does **not** include any amendment to a pending claim, there is no requirement to submit the complete listing of all claims.

REMARKS

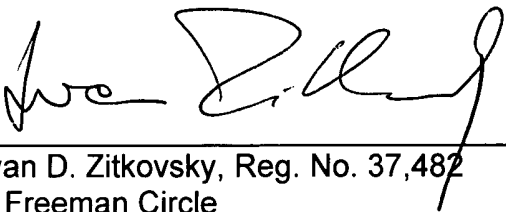
In the Office Action of August 28, 2003, the Examiner rejected the pending claims under the doctrine of obviousness double patenting over US Patent 6,197,595. The Examiner also rejected claims 117-131 and 135 under the doctrine of obviousness double patenting over US Patent 5,922,591. Applicants respectfully disagree with these rejections.

When making the obviousness double patenting rejection, the Examiner made several unsupported statements regarding obviousness. Applicants respectfully disagree with these statements since they are not supported by any actual evidence in the present application. However, Applicants enclose two (2) Terminal Disclaimers with respect to the above US Patents 5,922,591 and 6,197,595, since the patent term will be the same, and the enclosed Terminal Disclaimers are only a simple way to expedite issuance of the corresponding patent. Enclosed is also a copy of the Power of Attorney, granted in the parent US Application 09/294,700, now US Patent 6,197,595.

Accordingly, all claims are now in condition for allowance and such action is respectfully requested. Should there be any outstanding issue left, the Examiner is respectfully invited to call the undersigned to resolve such issues.

Please apply any charges or credits to the Deposit Account No. 01-0431.

Respectfully submitted,


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UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Dec 29, 2003


Ivan D. Zitkovsky